

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ANNAMARIA GUAGLIARDI,

Plaintiff,

v.

**ORDER**

GIUSEPPE GUAGLIARDI, et al.,

22-CV-04261 (PMH)

Defendants.

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PHILIP M. HALPERN, United States District Judge:

On July 12, 2022, the Court directed Plaintiff to file and serve a complaint on Defendants on or before July 26, 2022; and warned that if a complaint was not served and filed by July 26, 2022, and if Plaintiff failed to show cause, in writing, why service had not been made, the action would be dismissed under CPLR § 3012(b). By July 26, 2022, Plaintiff had not filed or proved service of a complaint, nor did she otherwise show cause why service of a complaint had not been made. On July 27, 2022, Plaintiff attempted to file a complaint. (Doc. 11). The filing was rejected by the Clerk's Office for a number of reasons.

On August 1, 2022, the Court issued an Order warning Plaintiff that this action will be dismissed, unless, on or before August 3, 2022, Plaintiff served and filed a complaint in accordance with the Court's July 12, 2022 Order and the Clerk's notice. (Doc. 12). To date, Plaintiff failed to comply with the Court's July 12, 2022 Order; failed to respond to the Court's August 1, 2022 Order; and has not timely served and filed a complaint under CPLR § 3012(b) nor demonstrated a reasonable excuse for the delay in service. *See Montefiore Med. Ctr. v. Aetna Health, Inc.*, No. 21-CV-07838, 2021 WL 5113013, at \*1 (S.D.N.Y. Nov. 3, 2021). Accordingly, this case is dismissed without prejudice pursuant to CPLR § 3012(b).

The Clerk of Court is respectfully directed to close this case.

**SO ORDERED.**

Dated: White Plains, New York  
August 8, 2022

A handwritten signature in black ink, appearing to read 'P. Halpern', written over a horizontal line.

Philip M. Halpern  
United States District Judge